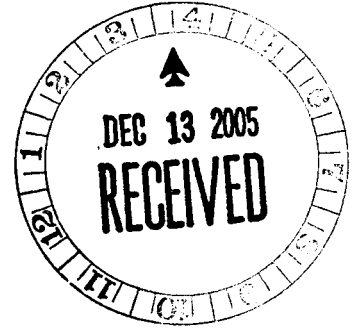


LAW OFFICES
GORDON P. MACDOUGALL
1025 CONNECTICUT AVE., N. W.
WASHINGTON, D. C. 20036

215338
TELEPHONE
AREA CODE 202
223-9738

December 13, 2005



Vernon A. Williams
Secretary
Surface Transp. Board
Washington DC 20423

Re: F.D. No. 34776, National Solid Wastes Management Association,
et al.-Petition for a Declaratory Order.

Dear Mr. Williams:

This is in response to the Board's decision served November 23, 2005, inviting comments from interested parties whether the Board should issue a declaratory order, and is on behalf of John D. Fitzgerald, General Chairman for United Transportation Union-General Committee of Adjustment, on lines of BNSF Railway Company. (UTU/GO-386).

UTU/GO-386 takes no position, at this time, whether the Board should institute a declaratory order proceeding; however, UTU/GO-386 desires the opportunity to file comments in the event the Board undertakes a such a proceeding.

Very truly yours,

Gordon P. MacDougall
Atty. for John D. Fitzgerald

cc: All parties

FILED
DEC 13 2005